

## CCRB INVESTIGATIVE RECOMMENDATION

|                                                  |                                                      |                           |                                                        |                                               |                                 |
|--------------------------------------------------|------------------------------------------------------|---------------------------|--------------------------------------------------------|-----------------------------------------------|---------------------------------|
| Investigator:<br>Catherine Cosmai                | Team:<br>Team # 4                                    | CCRB Case #:<br>201111280 | <input checked="" type="checkbox"/> Force              | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|                                                  |                                                      |                           | <input checked="" type="checkbox"/> Abuse              | <input type="checkbox"/> O.L.                 | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Tuesday, 08/23/2011 11:00 PM | Location of Incident:<br>116th Street and 8th Avenue | Precinct:<br>28           | 18 Mo. SOL<br>2/23/2013                                | EO SOL<br>2/23/2013                           |                                 |
| Date/Time CV Reported<br>Fri, 08/26/2011 2:21 PM | CV Reported At:<br>IAB                               | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Fri, 09/02/2011 11:23 AM |                                               |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |

| Subject Officer(s)      | Shield | TaxID  | Command |
|-------------------------|--------|--------|---------|
| 1. Officers             |        |        |         |
| 2. SGT Flavio Rodriguez | 00806  | 924407 | 028 PCT |

| Witness Officer(s)   | Shield No | Tax No | Cmd Name |
|----------------------|-----------|--------|----------|
| 1. POM Brian Ramirez | 21012     | 937327 | 028 PCT  |

| Officer(s)             | Allegation                                                                     | Investigator Recommendation |
|------------------------|--------------------------------------------------------------------------------|-----------------------------|
| A. Officers            | Abuse: Officers stopped § 87(2)(b)                                             |                             |
| B. Officers            | Force: Officers used physical force against § 87(2)(b)                         |                             |
| C. Officers            | Discourtesy: Officers spoke obscenely and/or rudely to § 87(2)(b)              |                             |
| D.SGT Flavio Rodriguez | Discourtesy: Sgt. Flavio Rodriguez spoke obscenely and/or rudely to § 87(2)(b) |                             |

### Case Summary

On August 26, 2011, § 87(2)(b) filed a complaint with IAB against NYPD officers. On September 2, 2011, the CCRB received the complaint. § 87(2)(b) reported that on August 23, 2011, officers stopped him (**Allegation A**), threw him to the ground (**Allegation B**), put their foot on his back and handcuffed him. The officers picked him up and stated “where is the shit at” (**Allegation C**). § 87(2)(b) was arrested. When he went to the precinct to retrieve his property, Sgt. Rodriguez told him “if you don't take your property and get the fuck out of here you are not getting anything” (**Allegation D**) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

A search in BADS revealed that § 87(2)(b) was arrested for § 87(2)(b) § 87(2)(b) arresting officer was PO Brian Ramirez, Tax number 937327.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

On September 7, 2011, the undersigned called § 87(2)(b) § 87(2)(b) and left a message requesting he return the call. On September 8, 2011, § 87(2)(b) § 87(2)(b) left a voicemail and the undersigned returned the call on that same day. § 87(2)(b) § 87(2)(b) stated that he did not want § 87(2)(b) to provide a statement and withdrew the complaint on his behalf. The procedure to re-open the case was explained to § 87(2)(b) § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Team: \_\_4\_\_

:

Investigator: \_\_\_\_\_ Catherine Cosmai \_\_\_\_\_ 09/13/11 \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date